IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 569 OF 2007

IN

SUIT NO. 1796 OF 1986

Smt. Villoo K. Siganporai .... Plaintiff

Vs.

The Central Bank of India .... Defendants

Mr. K.J. Panicker for Plaintiff.
Mr. V.K. Nair for Defendants/Respondents

CORAM : A.S. OKA, J.
DATE : 13TH JULY, 2007

P.C.

1) Heard learned Counsel for the parties. Affidavit of examination-in-chief of the plaintiff has been already filed by the Plaintiff. The prayer (a) in the Chamber Summons is for permitting the plaintiff to examine her husband as her witness. The prayer (b) reads thus :

> "(b) That the Plaintiff be allowed to adopt the entire evidence of Mr. Keki Siganporia, witness of the Plaintiff in the Suit No. 1795 of 1986 in this present suit No. 1796 of 1986 to the extent the facts

are common in both the suits."

2) Considering the present stage of the suit, I find no difficulty in allowing the Prayer (a). However, prayer clause (b) cannot be granted. Hence, Chamber Summons is made absolute in terms of prayer clause (a). Affidavit of examination-in-chief of the witness to be filed within four weeks from today. The Commissioner who is already appointed to record the evidence will record cross examination of the said witness of the plaintiff.

3) Place the suit for 'Directions' on 27th August 2007.

(A.S. OKA, J.)